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3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

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6 CLAYTON-M. BERNARD-EX,

Case No. 2:22-cv-01885-MMD-EJY

7 Plaintiff,

ORDER

8 v.

9 BOARD OF COUNTY  
COMMISSIONERS,10 Defendant.  
11

12 *Pro se* Plaintiff Clayton-M. Bernard-Ex brings this action against Defendant Board  
13 of County Commissioners under 42 U.S.C. § 1983. (ECF Nos. 1-2, 1-3.) Before the Court  
14 is the Report and Recommendation (“R&R”) of United States Magistrate Judge Elayna J.  
15 Youchah (ECF No. 3), recommending that the Court dismiss Plaintiff’s initiating  
16 documents without prejudice with leave to amend and allow Plaintiff to file a complaint.  
17 Plaintiff’s objection to the R&R was due November 23, 2022. To date, Plaintiff has not  
18 objected to the R&R. For this reason, and as explained below, the Court adopts the R&R  
19 in full.

20 Because there was no objection, the Court need not conduct de novo review, and  
21 is satisfied that Judge Youchah did not clearly err. *See United States v. Reyna-Tapia*,  
22 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings  
23 and recommendations is required if, but *only* if, one or both parties file objections to the  
24 findings and recommendations.”) (emphasis in original). Judge Youchah correctly found  
25 that Plaintiff failed to file a complaint and the initiating documents he submitted do not  
26 state any claim for relief. *See* Fed. R. Civ. P. 8; *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
27 (2009). Accordingly, the Court adopts Judge Youchah’s R&R in full and dismisses  
28 Plaintiff’s initiating documents without prejudice and with leave to amend.

1 It is therefore ordered that Judge Youchah's Report and Recommendation (ECF  
2 No. 3) is accepted and adopted in full.

3 It is further ordered that Plaintiff's initiating documents (ECF Nos. 1-2, 1-3) are  
4 dismissed without prejudice with leave to amend.

5 The Clerk of Court is directed to send Plaintiff the approved form for filing a § 1983  
6 complaint and instructions for the same.

7 It is further ordered that Plaintiff must file a complaint by December 15, 2022. If  
8 Plaintiff fails to file a complaint by December 15, 2022, the Court will dismiss this action  
9 without prejudice.

10 DATED THIS 30<sup>th</sup> Day of November 2022.

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13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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